



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hong Jin *et al.*

Confirmation No.: 4464

Serial No.: 10/672,302

Art Unit: 1648

Filed: September 26, 2003

Examiner: Blumel, Benjamin P.

For: FUNCTIONAL MUTATIONS IN  
RESPIRATORY SYNCYTIAL VIRUS

Attorney Docket No.: 7682-132-999

DECLARATION OF DRS. HONG JIN, BIN LU, AND ROBERT BRAZAS  
UNDER 37 C.F.R. 1.132

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

We, Hong Jin, Bin Lu, and Robert Brazas, hereby state and declare as follows:

1. Hong Jin is a citizen of the United States, residing at 22385 Santa Paula Avenue, Cupertino, California 95014; Bin Lu is a citizen of China, residing at 74 Los Altos Square, Los Altos, California 94022; and Robert Brazas is a citizen of the United States, residing at 1408 Willow Trail, Middleton, Wisconsin 53562.

2. We are co-inventors of the subject matter described and claimed in the above-identified patent application.

3. Hong Jin and Bin Lu are currently employed at MedImmune Vaccines, Inc., Mountain View, California. Robert Brazas is currently employed at Mirus Bio Corporation, Madison, Wisconsin.

4. Hong Jin, Bin Lu, and Robert Brazas are co-authors of the publication entitled "Identification of Temperature-Sensitive Mutations in the Phosphoprotein of Respiratory Syncytial Virus that Are Likely Involved in Its Interaction with the Nucleoprotein", by Lu *et al.*, published in Journal of Virology, 2002, 76(6):2871-2880 (hereinafter "Lu").

5. The contributions of the co-authors of Lu who are not co-inventors, i.e., Chien-Hui Ma, Tina Kristoff, and Xing Cheng to the work described in Lu was as follows: Chien-Hui Ma worked as Bin Lu's technician and worked with him under Hong Jin's direction. Tina Kristoff worked as Robert Brazas's technician under his close supervision. Xing Cheng provided technical assistance for the performance of several Northern blot analyses. These individuals, while co-authors of Lu, are not co-inventors of the subject matter that is described and claimed in the above-identified patent application.

6. We declare further that all statements made in this Declaration of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1 Aug, 2007   
DATE HONG JIN

DATE BIN LU

DATE ROBERT BRAZAS



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DATE HONG JIN

7/24/2007 BIN LU

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DATE BIN LU

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DATE ROBERT BRAZAS



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DATE HONG JIN

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DATE BIN LU

9/14/07   
DATE ROBERT BRAZAS

## ASSIGNMENT

WHEREAS, I, Robert Brazas, citizen of the United States, residing at 1408 Willow Trail, Middleton, Wisconsin 5356; co-inventor with Hong JIN, citizen of the United States, residing at 22385 Santa Paula Avenue, Cupertino, California 95014; and Bin Lu, citizen of China, residing at 74 Los Altos Square, Los Altos, California 94022 of the invention in **FUNCTIONAL MUTATIONS IN RESPIRATORY SYNCYTIAL VIRUS** for which we have executed an application for a Patent of the United States

- which is executed on       even date herewith or        
 which is identified by Jones Day docket no. 7682-132-999  
 which was filed on September 26, 2003, Application No. 10/672,302

and WHEREAS, MedImmune Vaccines, Inc. having an office for transaction of business at 297 North Bernardo Avenue, Mountain View, California 94043, ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my respective signature.

Date September 14, 2007

  
Robert Brazas

L.S.

Date September 14, 2007

  
Witnessed by

Date 14 Sept, 2007

  
Witnessed by